



PATENT
Attorney Docket No. 249.301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Thomas R. Hetzel and Joseph S. Bieganeck
Serial No. : 10/628,858
Filed : July 28, 2003
Title : Individually-Contoured Seat Cushion and Shape Capturing and Fabricating Method for Seat Cushion

Group Art Unit : 1732
Confirmation No. : 3846
Examiner : Allan R. Kuhns

Terminal Disclaimer to Obviate a Double Patenting Rejection over a Prior Patent

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Thomas R. Hetzel, the Manager of Aspen Seating, LLC, a Colorado Limited Liability Company (Aspen Seating, LLC), am empowered to act and to execute this Terminal Disclaimer on behalf of Aspen Seating, LLC.

Aspen Seating, LLC is the assignee of the entire right, title and interest in and to above identified US patent application (hereinafter the "Instant Application"). Aspen Seating, LLC also owns the entire right, title and interest in US Patent 6,990,744 (hereinafter the "Prior Patent").

Aspen Seating, LLC hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the Instant Application which would extend beyond the expiration date of the full statutory term of the Prior Patent as such term is defined in 35 U.S.C. 154 and 173, and as the term of the Prior Patent may be shortened by any terminal disclaimer. Aspen Seating, LLC hereby agrees that any patent so granted on the Instant Application shall be enforceable only for and during

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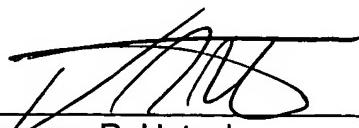
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such period that it and the Prior Patent are commonly owned. This agreement runs with any patent granted on the Instant Application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Aspen Seating, LLC does not disclaim the terminal part of any patent granted on the Instant Application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the Prior Patent, as the term of said Prior Patent may be shortened by any terminal disclaimer, in the event that the Prior Patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 2-22-07



Thomas R. Hetzel
Manager
Aspen Seating, LLC